

Chapter 21A.44
DECISION CRITERIA

Sections:

- 21A.44.010 Purpose.
- 21A.44.020 Temporary use permit.
- 21A.44.030 Variance. [Amended]
- 21A.44.040 Conditional use permit.
- 21A.44.050 Special use permit.
- 21A.44.060 Zone reclassification.
- 21A.44.070 Urban plan development permit.
- 21A.44.080 Fully contained community (FCC) permit.

NOTE: Sections amended are noted in brackets following the title.

1 SECTION 1. Ordinance 10870, Section 624, as amended, and K.C.C. 21A.44.030 are
2 each hereby amended to read as follows:

3 **Variance.** A variance shall be granted by the county, only if the applicant demonstrates
4 all of the following:

5 A. The strict enforcement of ~~((the provisions of))~~ this title creates an unnecessary
6 hardship to the property owner;

7 B. The variance is necessary because of the unique size, shape, topography, or location
8 of the subject property;

9 C. The subject property is deprived, by ~~((provisions of))~~ this title, of rights and privileges
10 enjoyed by other properties in the vicinity and under an identical zone;

11 D. The variance does not create health and safety hazards, is not materially detrimental
12 to the public welfare or is not unduly injurious to property or improvements in the vicinity;

13 E. The variance does not relieve an applicant from any of the procedural provisions of
14 this title;

15 F. The variance does not relieve an applicant from any standard or provision that
16 specifically states that no variance from ~~((such))~~ that standard or provision is permitted;

17 G. The variance does not relieve an applicant from conditions established during prior
18 permit review or from provisions enacted ~~((pursuant to))~~ in accordance with K.C.C. 21A.38.030,
19 Property-((S))specific ((D))development ((S))standards-general provisions;

20 H. The variance does not allow establishment of a use that is not otherwise permitted in
21 the zone in which the proposal is located;

I. The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than ~~((10))~~ ten percent;

J. The variance is the minimum necessary to grant relief to the applicant;

K. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; ~~((and))~~

L. The variance does not relieve an applicant from ~~((any provisions of))~~ compliance with K.C.C. chapter 21A.24, ((Sensitive))Critical Areas, except for the required buffer widths and building setbacks ~~((set forth))~~ in K.C.C. 21A.24.200, 21A.24.280, 21A.24.310, 21A.24.320, or 21A.24. ~~((360))~~ section ## of ordinance ### [relating to aquatic area buffers]; and

M. Within a special district overlay, the variance does not:

1. Modify, waive or define uses;

2. Waive requirements for special studies or reports; or

3. Reduce buffer widths, setbacks or vegetation retention standards by more than a total of ten percent. (Ord. 12479 § 1, 1996: Ord. 11621 § 107, 1994: Ord. 10870 § 624, 1993).